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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,715	06/16/2000	Barry Gold	11319RRUS01U-(22171.166)	3565
27683	7590	03/29/2004	EXAMINER FOSTER, ROLAND G	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ART UNIT 2645	
			PAPER NUMBER 6	
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,715

Applicant(s)

GOLD, BARRY

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3-9,11-20 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

The instant claims can be identified as patentably distinct subcombinations usable together (e.g., Group I: claims 1-9 and 21-23 and Group II: claims 10-20). Also note that the independent claim in Group I shares no limitation in common with the independent claims in Group II and thus the claims are facially susceptible to a restriction requirement. Finally, the rejection of each subcombination in the following Office action required the use of differing base references, which indicates that some administrative burden (e.g., separate status in the art) was involved in examining the claims. However, in the interest of compact Office prosecution, no holding of administrative burden for the purposes of claim restriction will be set forth in this Office action. However, the applicant is notified that further amendments, particularly amendments that introduce new limitations unique to each subcombination, may establish sufficient administrative burden for the purposes of restriction and accordingly trigger a restriction requirement.

Specification

The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,745,692 to Lohmann, II et al. (hereinafter "Lohmann").

Lohmann discloses a switch (server 10) for a telecommunication network (modem 14 and PBX 16) comprising hardware (e.g., hobbes board 12) and software based (e.g., command processing interface, see col. 5, lines 46-64) components. A switch monitoring system is coupled to the hardware and software based components of the server for receiving operational information from a hardware based component (e.g., temperature, voltage) and operational information from a software based component (e.g., console log) (col. 5, lines 50-64). Based on the operational information (e.g., high temperature), instructions are issued to provide an audible command (Figs. 5A-5D). The "voice generation application" reads on AT&T Conversant™ system 18. AT&T Conversant is a computer based, digital system and thus stores in alert messages in digital content, which is converted into analog format by an interface when issued by AT&T Conversant (voice application) to the analog (speaker) of telephone 56 (Fig. 1 and Fig. 5A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,041,325 to Shah et al. (hereinafter "Shah") in view of U.S. Patent No. 5,812,977 to Douglas (hereinafter "Douglas").

With respect to claim 1, Shah discloses all within the claim except a user interface to receive voice commands issued by the switch administrator. Specifically, Shah discloses a call processing application handling interactions with call and terminating agents (i.e., calling and called parties) (Figs. 1, 5A, 8B, and 8C, and col. 6, line 63 – col. 7, line 10), a switch reprovisioning system coupled to the call processing application (Fig. 1, service creation environment 26), and a graphical user interface (GUI) for receiving commands from the administrator for provisioning of the switch (col. 2, lines 60-67).

Although Shah discloses that the administrator enters provisioning commands through a GUI (e.g., Fig. 8B), Shah fails to disclose that the administrator can enter voice commands and receive audible responses.

However, Douglas (similarly to Shah) teaches of a system for controlling a GUI. However, Douglas provides the capability to control the GUI by issuing voice commands that are compared to stored vocabulary commands, and receiving audible responses to the recognized commands (col. 2, lines 45-67).

Therefore, it would have been obvious to a person of ordinary skill in the art to add to the GUI disclosed by Shah the ability to control the GUI by issuing voice commands and receiving audible responses as taught by the GUI control system of Douglas.

The suggestion/motivation for doing so would have been to increase user-friendliness of the controlled system by "tak[ing] out a tremendous amount of uncertainty for unskilled or semi-skilled operators of personal computers" by "speak[ing] an appropriate word...to initiate and perform the desired task....[and being] notified of the 'recognition' of the word by audio...indication" (Douglas, col. 2, lines 50-67). In addition, a voice command interface would have increased productivity (Douglas, col. 1, lines 13-17 and col. 2, lines 1-10).

Claim 21 focuses (in an extremely broad sense) on receiving a voice command containing a reprovisioning instruction, which was addressed in the claim 1 rejection above.

With respect to claim 2, the "interaction application" for constructing an "interaction framework" is illustrated in, for Fig. 8B which shows the framework of interactions between the components of the provisioned service components. The "provisioning table" reads on Fig. 5,

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services table 14 and also Fig. 8c. See the claim 1 rejection for further details on how particular voice commands now control the GUI interface for provisioning a service based on the interactions and tables.

With respect to claim 22, the voice command interface taught by Douglas and added to Shah in the claim 1 rejection above digitizes the input voice command in order to compare the command to a stored vocabulary of commands. See the claim 1 rejection for further details.

Allowable Subject Matter

Claims 3-9, 11-20, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's Reason for Allowance

With respect to claim 3, the combination of Shah in view of Douglas fails to disclose a recognition audible input table to the level of detail recited in the claim.

With respect to claims 11-13, Lohmann fails to disclose the expert system and rules table to the level of detail recited in the claim.

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The remaining prior art of record fails to teach or fairly suggest substantially modifying either the combination of Shah in view of Douglas in order to arrive at the invention as claimed in detail by the applicant.

The above reasons for allowance are based on the claims as presently set forth in their totality. The above reasons for allowance should not be interpreted as indicating that amended claims broadly reciting certain limitations discussed in the above reasons for allowance would be allowable. A more detailed reasons for allowance may be set forth in a subsequent Notice of Allowance if and when all claims in the application are put into a condition for allowance.

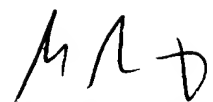
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.


Roland G. Foster
Primary Patent Examiner
March 20, 2004